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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,781	12/02/2003	Jin-Woong Kim	678-1097 (P10649)	3826
28249	7590	10/17/2006	EXAMINER	
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			STEIN, JULIE E	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/725,781

Applicant(s)

KIM ET AL.

Examiner

Julie E. Stein, Esq.

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,3 and 6 is/are allowed.
- 6) ☒ Claim(s) 1,4 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. In view of the claim amendment to claim 5, the rejection under 35 USC 102 is withdrawn.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1 and 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nokia in view of U.S. Patent No. 5,889,839 to Beyda et al.

Nokia teaches all the steps of independent claim 1, including a method for transmitting and receiving a multimedia message in a mobile communication system (abstract), the method comprising the steps of: receiving summarized information on a plurality of data types included in the multimedia message from the mobile communication system (page 8, line 25 to page 9, line 20) and providing the received summarized data type information (page 9, lines 20 to 25); requesting multimedia data corresponding to at least one of a data type according to a user selection (page 12, lines 18 to 38); and receiving the multimedia data in response to the request (page 13, line 31 to page 16, line 9).

However, Nokia does not teach receiving a message receipt notification message; transmitting a response to the message receipt notification message; and that the summarized information is in response to the response to the message receipt notification message. But, Beyda teaches a well known method of notifying a user when they enter a wireless system that a message, such as a multimedia message, is waiting for them by sending them a display item on their cellular telephone. See column 2, lines 8 to 10 and 54 to 58. Beyda also teaches that the user may respond to the notification. See, column 3, lines 39 to 48. Therefore, one of ordinary skill in the art at the time the invention was made would have known that when a user first enters into an in-range area, the system would indicate that they had a message as taught by Beyda, i.e. by a simple screen notification and then after the user responded (see, Beyda,

Art Unit: 2617

column 3, lines 39 to 48) they would receive the information in the manner taught by Nokia because this would allow the user to receive simple notifications upon their initial entrance into the system and reduce air time usage and charges. See Beyda, column 1, lines 46 to 47.

6. The rejection of claim 1 is hereby incorporated as is the reasoning. Nokia in view of Beyda teaches all the steps of independent claim 4, including a method for transmitting and receiving a multimedia message in a mobile communication system (Nokia, abstract), comprising:

producing and transmitting a message receipt notification message (Beyda, column 2, lines 8 to 10 and 54 to 58); and

receiving a response to the message receipt notification message (Beyda, column 3, lines 39 to 48);

producing and transmitting summarized information on a plurality of data types included in the multimedia message in response to the received response to the message receipt notification message (Nokia, page 8, line 25 to page 9, line 20 and Figure 2, element 30, also see above for combination); and

transmitting the multimedia data in response to a request for multimedia data (Nokia, page 13, line 31 to page 16, line 9).

The rejections of claims 1 and 4 are hereby incorporated as is the reasoning. Nokia in view of Beyda teaches all the steps of independent claim 5, including a method for transmitting and receiving a multimedia message in a mobile communication device in a mobile communication system (Nokia, abstract), comprising:

receiving a signal receipt notification message corresponding to a multimedia message (Beyda, column 2, lines 8 to 10 and 54 to 58 and Nokia, Figure 2, element 30);

transmitting a receipt to the signal receipt notification message (Beyda, column 3, lines 39 to 48);

receiving summarized information of the multimedia message after transmitting the receipt to the signal receipt notification message (Nokia, Figure 2, element 30); and

requesting a desired type of data type based on received summarized information (Nokia, Figure 2, element 34 and page 13, line 31 to page 16, line 9).

Allowable Subject Matter

7. Claims 2-3 and 6 are allowed.

8. The following is an examiner's statement of reasons for allowance: The prior art of record does not reasonably teach or suggest the combination of steps recited in independent claim 2, including a method for transmitting and receiving a multimedia message in a mobile communication system, the method comprising the steps of: receiving in the mobile communication system a multimedia message including a plurality of data types from a terminal; storing the received multimedia message while separately storing the data types; producing summarized multimedia information, which includes information on a kind of each of the data types and a number of each kind of data types; transmitting the summarized multimedia information in a signal receipt notification message; upon receiving the signal receipt notification message in a terminal, providing the signal receipt notification message to a user; upon receipt of the

Art Unit: 2617

response message by the mobile communication system producing and transmitting multimedia information; upon receiving the multimedia information by the terminal, providing the multimedia information to the user, and requesting multimedia data corresponding to a data type selected by the user; and transmitting the corresponding multimedia data from the mobile communication system to the terminal in response to the request from the terminal.

9. The prior art of record does not reasonably teach or suggest the combination of steps recited in independent claim 3, including a mobile communication system for transmitting and receiving a multimedia message, the system comprising: an LME for receiving a multimedia message including a plurality of data types from a first terminal storing the received multimedia message while separately storing the data types, transmitting basic data type information and, upon receiving a request for multimedia data from a second terminal, transmitting multimedia data of a data type corresponding to the request; and an LMSC for producing and transmitting summarized multimedia information, which includes information of a kind of each of the data types and a number of each kind of data types, to the second terminal, upon receiving a response message from the second terminal, producing and transmitting multimedia information, and transmitting the request for multimedia data from the second terminal to the LME; wherein the second terminal transmits a corresponding response message upon receipt of the summarized multimedia information, receives the multimedia information, and requests multimedia data corresponding to a data type selected by a user.

Art Unit: 2617

10. The prior art of record does not reasonably teach or suggest the combination of steps recited in independent claim 6, including a method for transmitting and receiving a multimedia message in a mobile communication system, the method comprising the steps of: receiving a multimedia message including a plurality of data types from a terminal, storing the received multimedia message while separately storing the data types, and transmitting basic data type information, in an LME; producing summarized multimedia information, which includes information of a kind of each of the data types and a number of each kind of data types, in an LMSC; transmitting a signal receipt notification message which includes the summarized multimedia information, in an SMSC; and receiving the signal receipt notification message, providing the summarized multimedia information to a user, and transmitting a response message according to a selection by the user, in a receiving terminal; wherein the LMSC produces multimedia information, upon receipt of the response message; wherein the receiving terminal receives multimedia information, provides the multimedia information to the user, and request multimedia data corresponding to a data type selected by the user; wherein the LMSC receives the corresponding multimedia data from the LME in response to the request, and transmits the corresponding multimedia data to the receiving terminal.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

11. Applicant's arguments filed June 26, 2006 have been fully considered but they are not persuasive.

12. With regard to the claims, the Examiner admits that each individual reference does not teach the claimed invention by itself, but the Examiner respectfully submits that the claims are not rejected under 35 USC 102, but under 35 USC 103. Therefore, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

13. Furthermore, the Examiner has cited motivation within the secondary reference, Beyda, column 1, lines 45 to 50 as to why such a combination would have been obvious to one of ordinary skill in the art at the time the invention was made. As pointed out by Applicant, the system of Beyda is well known as it is from the mid 1990's and thus the Examiner submits that those of ordinary skill in the art would have known that the desire to reduce air time usage and congestion is known. In addition, by alerting a user when they initially entered an in-range area of awaiting messages and then using the system/method of Nokia to further notify the user of a summary of the message and then ultimately deliver the desired data types would allow progressive types of notifications and allow for different notifications for different types of messages, including multimedia messages, which may include various data types.

14. Therefore, the claims stand rejected.

Conclusion


15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. WO 99/65256 to Logica, Inc and U.S. Patent Application Publication No. 2004/0203606 to Souissi et al. both teach methods of messaging.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie E. Stein, Esq. whose telephone number is (571) 272-7897. The examiner can normally be reached on M-F (8:30 am-5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JES



GEORGE ENG
SUPERVISORY PATENT EXAMINER